



DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH ARMY
UNIT #15236
APO AP 96205-5236

EACG

01 APR. 2016

MEMORANDUM FOR All Eighth Army Assigned Soldiers and Civilians

SUBJECT: Eighth Army Command Policy Letter #18, Separation Actions Concerning Soldiers Convicted by a Republic of Korea (ROK) Tribunal/Court

1. References:

- a. Army Regulation (AR) 635-200, Active Duty Enlisted Administrative Separations, 6 June 2005 (Rapid Action Revision 003, 6 September 2011).
- b. Memorandum, HQ USARPAC, APCG, 21 May 2013, Subject: Delegation of Authority - Administrative Separations under Army Regulation 635-200 paragraphs 1-41 and 14-9.
- c. Army Regulation 600-8-24, Officer Transfers and Discharges, 12 April 2006 (Rapid Action Revision 003, 13 September 2011).

2. Purpose. To ensure that subsequent to a ROK foreign tribunal/court conviction of an Eighth Army Soldier for certain offense(s), that Soldier is considered for separation or recommended for retention.

3. Background.

- a. Army Regulation 635-200, paragraphs 1-41 and 14-9, authorizes major overseas commanders to approve or disapprove separation of Soldiers in a foreign country and discharge of Soldiers convicted by a foreign tribunal. Discharge of convicted Soldiers is not mandatory. The command must evaluate each case to determine whether separation is appropriate.
- b. Reference 1.b, above, delegates to the Commander, Eighth Army, the authority to approve or disapprove separations under AR 635-200 paragraphs 1-41 and 14-9.
- c. In accordance with AR 635-200, paragraph 14-9(a) and reference 1.b, above, the General Court-Martial Convening Authority (GCMCA) of the 2d Infantry Division and the 19th Expeditionary Sustainment Command are delegated authority to approve or disapprove separation of Soldiers assigned in the ROK and discharge of Soldiers convicted by a ROK foreign tribunal/court. No further delegation is authorized.

4. Policy.

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a. Enlisted Soldiers.

(1) When a ROK foreign tribunal/court convicts an enlisted Soldier of an offense where a punitive discharge is authorized for the same or a closely related offense under the Manual for Courts-Martial or when the sentence includes confinement for 6 months or more (without regard to suspension or probation of the sentence) the immediate commander of the Soldier must either initiate separation or forward a recommendation for retention through the chain of command to the appropriate GCMCA.

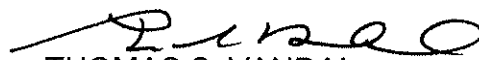
(2) A decision to initiate separation or recommend retention will occur within seven calendar days after the ROK foreign tribunal/court conviction. If a Soldier appeals the ROK foreign tribunal/court conviction, final action on whether to separate or retain will occur after the appeal is finalized or the Soldier's current term of service expires.

(3) Every action taken pursuant to this delegation will reference both U.S. Army Pacific (USARPAC) and Eighth Army delegations of authority. The unit will include a copy of this memorandum and reference 1.b, above with the action. The unit will forward a copy of the action to Staff Judge Advocate, Eighth Army, ATTN: Administrative Law Division, within three (3) days of approval or disapproval.

(4) This delegation of authority will remain in effect until revoked in writing.

b. Officers. When a ROK foreign tribunal/court convicts an officer of an offense where a sentence includes confinement of more than six (6) months for the same or a closely related offense under the Manual for Courts-Martial (without regard to suspension or probation of the sentence) the immediate commander of the officer must initiate a separation action in accordance with AR 600-8-24, paragraph 5-13 for my recommendation and forwarding. United States Army Human Resources Command (HRC) will make the final determination as to the officer's disposition.

5. Proponent. The Eighth Army Staff Judge Advocate is the proponent for this policy. The proponent can be contacted at commercial 011-822-7918-4464 or DSN 315-738-4464.



THOMAS S. VANDAL
Lieutenant General, USA
Commanding